

**THE FLORIDA INTERNATIONAL UNIVERSITY BOARD OF TRUSTEES
FLORIDA BOARD OF GOVERNORS**

NOTICE OF PROPOSED REGULATION

REGULATION NO.: FIU-1111
REGULATION TITLE: Employee Debt Collection

SUMMARY: The purpose of this Regulation is to provide procedures for collection of funds owed to the University by its employees. Pursuant to Section 1010.03, F.S., the University is directed to exert every effort to collect all delinquent accounts.

TEXT OF REGULATION: The full text of the Proposed Regulation can be viewed below and on the website of The Florida International University Board of Trustees, <http://regulations.fiu.edu>. If you would like a copy of the Proposed Regulation, please contact Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, (305) 348-2103.

AUTHORITY: Florida Statutes Section 1010.03 and BOG Regulation 1.001.

NAME OF PERSON INITIATING PROPOSED REGULATION: Kenneth Jessell, Chief Financial Officer and Senior Vice President.

ANY PERSON SEEKING TO COMMENT ON THE PROPOSED REGULATION MUST SUBMIT COMMENTS IN WRITING TO THE CONTACT PERSON LISTED BELOW. ALL WRITTEN COMMENTS MUST BE RECEIVED BY THE CONTACT PERSON WITHIN 14 CALENDAR DAYS OF THE DATE OF PUBLICATION OF THIS NOTICE.

CONTACT PERSON REGARDING THE PROPOSED REGULATION: Eli Deville, Coordinator, Administrative Services, Office of the General Counsel, Florida International University, 11200 SW 8th Street, PC 511, Miami, FL 33199. Email: devillee@fiu.edu
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DATE OF PUBLICATION: October 21, 2011

THE FULL TEXT OF THE PROPOSED REGULATION IS PROVIDED BELOW:

FIU-1111 Employee Debt Collection.

(1) Purpose. The University is required by Florida Law to exert every effort to collect all delinquent accounts owed to it. The purpose of this regulation is to provide procedures for collection of delinquent accounts and overpayments owed to the University by its current or former employees.

(2) For purposes of this regulation, employee debts are all amounts owed to the University by an employee which were not paid when due, including, but not limited to, the following:

(a) tuition and fees, student loans, and other accounts accrued as a student of the University;

(b) returned checks, parking fines, library fines, keys, uniforms, and any other equipment provided to assist an employee in fulfilling his/her job duties, educational resources fines/sales, health services, rental fees, housing charges, and physical education equipment charges;

(c) overpayments by the University of wages, workers' compensation benefits, scholarships, fellowships, and other types of payments;

(d) all or a portion of a travel advance paid by the University and for which no reimbursement travel voucher complying with the University's Travel Expense Policy is received within the time prescribed by the University's Travel Expense Policy; and,

(e) repayment of advanced leave, if any, pursuant to applicable University policies and procedures.

For purposes of this regulation, employee debts do not include educational loans collectible pursuant to Section 112.175, Fla. Stat.

An overpayment by the University becomes an employee debt payable immediately upon the occurrence of the overpayment. A travel advance for which no reimbursement travel voucher is received by the University becomes an employee debt at the time prescribed by the University's Travel Expense Policy. All other employee debts become delinquent accounts when they remain unpaid after the date due.

(3) Means of Collection. The University may employ any legal means for collecting employee debts owed to the University, including, but not limited to, any one or more of the following actions: issue collection letters, send notices via electronic mail, attempt to contact the employee by telephone, engage a collection agency, settle the amount due, negotiate a payment plan, and if a current employee, set-off the employee debt as provided herein.

(4) University Right of Set-Off /Employee Right to Receive Notice Prior to Set-Off.

(a) The University may set-off an employee debt against future wages and/or any wages due at separation of employment.

(b) Unless expressly authorized by a Travel Advance form or other agreement with the University, an employee with employee debt will receive notice of the University's set-off rights against the employee's future wages and/or wages due at separation of employment. Prior to exercising the right to set-off, the University will notify the employee of its intent to do so in writing by certified mail sent to the employee's last known mailing address on file with the University's Human Resources Department. The notice will advise the employee that the University intends to set-off the specific employee debt, and that, within twenty (20) days of the date of the notice, the employee may dispute the existence of the employee debt with the University department to which the employee debt accrued, pay the employee debt, or work out a mutually agreeable payment plan.

(5) Set-off Limitations. If, after the twenty (20) day period described above has expired, the employee has not responded to the notice, the overdue employee debt remains unpaid, a mutually agreeable payment plan has not been reached, or the explanation as to why no delinquent account or overpayment exists has not been accepted by the University, the University may set-off the employee debt against payments by the University of future wages and/or wages due at separation, as permitted by law:

(a) If the amount of the employee debt is ten percent (10%) or less of the employee's biweekly gross salary, a lump sum deduction of the amount owed shall be made from the employee's future paycheck.

(b) If the amount of the employee debt is greater than ten percent (10%) of the employee's biweekly gross salary, the amount deducted from each of the employee's future paychecks shall not exceed ten percent (10%) of the employee's gross salary in each pay period. Deductions will commence following the expiration of the twenty (20) day notice period, unless the employee waives this requirement in writing.

(c) If an employee with an employee debt ceases to be employed by the University for any reason, including but not limited to, termination, resignation, or job abandonment, the entire amount of the employee debt shall be deducted from the employee's final paycheck up to the amount permitted by applicable law. If the final paycheck is not sufficient to cover the outstanding employee debt, the remainder of the employee's debt will be deducted from the employee's leave, wages due at separation of employment, and/or from any other sums that may be due and owing from the University to the employee in accordance with applicable law. In the event that there are still outstanding sums due and owing by an employee after the University has exhausted all of these resources, the University may pursue any legal means for the collection of the employee's outstanding debt, including those outlined in this Regulation.

Authority: Florida Statutes Section 1010.03 and BOG Regulation 1.001. History--New